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2014 JUL 30 PM 2:33

July 30, 2014

VIA ELECTRONIC MAIL

Mr. Jeff S. Jordan
Supervisory Attorney
Federal Election Commission
999 E Street, NW
Washington, DC 22210

Re: MUR 6847

Friends of Bob Johnson (the "Committee"), through counsel, provides the following response to the complaint filed by Donald J. Tuten and designated by the Commission as MUR 6847. The Committee responds as follows:

Allegation 1: Excessive Contribution

As a result of the complaint, the Committee discovered that it had inadvertently attributed a \$250 contribution from Dr. Patrick Blohm to his spouse, Mrs. Carolyn Blohm. In April 2014, Dr. Blohm attended a Committee fundraiser and provided a check in the amount of \$250. Although the Blohms intended for the contribution to be from Dr. Blohm and both Dr. Blohm's and Mrs. Blohm's names appeared on the check, the Committee mistakenly attributed the contribution to Mrs. Blohm because she signed the check.¹

Unbeknownst to the Committee, attributing the \$250 contribution Mrs. Blohm caused her to exceed the \$2,600 contribution limit to the Committee's primary election account. To exacerbate the issue, the resulting "excessive contribution" alleged in the complaint was not automatically

¹ In a conversation with Mrs. Blohm, she confirmed to the Committee that she traditionally signs the checks in their household.

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flagged in the Committee's software system as it should have been (notably, the Committee transitioned to a new recordkeeping/reporting software in May 2014, and this switch may have caused the lack of flagging). Of course, had the system triggered a notification that the \$250 contribution caused Mrs. Blohm to exceed the contribution limit, rest assured that the Committee would have taken the necessary steps to properly reattribute the \$250 to Dr. Blohm.

As a result of the issues stated above, the Committee remained unaware of the error until it was brought to our attention via the complaint. Because the 60-day period for reattributing the \$250 contribution to Dr. Blohm had lapsed by the time the complaint was filed, the Committee has already refunded the \$250 contribution. It is important to note that the Committee's cash balance for the primary election was never less than \$250, so the Committee did not expend the "excessive contribution" in furtherance of the campaign's activities.

Finally, the Committee requests that the Commission immediately dismiss any complaint against Mrs. Blohm for the "excessive contribution." As explained above, the resulting "excessive contribution" from Mrs. Blohm was the result of the Committee's inadvertent error, not any purposeful action on the part of either Mrs. Blohm or Dr. Blohm.

Allegation 2: Missing Employer/Occupation Information

In October 2013, the Committee received a check for \$250 from Mr. David Stewart. While his address was known and reported on the Year-End FEC report, Mr. Stewart did not provide the requested occupation and employer information along with his check. To the best of the Committee's knowledge, all solicitation requests made by the Committee contained the "best efforts" request for employer and occupation information.

The Committee's staff and Treasurer researched the missing information through the internet and other resources available to them but were unable determine Mr. Stewart's employer and occupation. In the meantime, the Committee reported "unknown-researching" in these fields on the Year-End FEC report.

In May 2014, Mr. Stewart made a subsequent donation (\$750) through PayPal, and he provided his occupation and employer information along with his online contribution (note that this contribution as well as Mr. Stewart's occupation and employer were reported on the Committee's Pre-Runoff FEC report). The Committee has spoken with its Reports and Analysis Division analyst, and the Committee intends to file an amended Year-End FEC report with this additional information unless instructed otherwise.

Conclusion

The Committee takes its compliance responsibilities and legal obligations very seriously. In fact, the Committee's substantial compliance with the Federal Election Campaign Act and

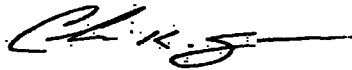
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Commission regulations should be apparent from the fact that the only "infractions" that our opponent was able to dig up were extremely minor issues. Furthermore, the Committee has already demonstrated its desire to mitigate and correct any inadvertent mistakes that have come to its attention.

Under *Heckler v. Chaney*, 470 U.S. 821 (1985), the Commission has broad discretion to determine how to proceed with respect to complaints or referrals. The Commission has exercised its prosecutorial discretion under *Heckler* to dismiss matters that do not merit the additional expenditure of Commission resources. In a matter such as this, where the offense is relatively minor and the Committee has voluntarily taken remedial steps to correct violations, dismissal would be appropriate in light of the Commission's limited resources and enforcement priorities.

In consideration of the Commission's valuable time and resources, and the specific facts at issue in this matter, we respectfully ask the Commission to exercise its prosecutorial discretion and dismiss this matter in its entirety. If you require additional information, or if I can be of any assistance, then I can be reached at (512) 354-1783.

Sincerely,



Chris K. Gober
Counsel to Friends of Bob Johnson

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